

REMARKS

At the time of the Office Action dated June 7, 2006, claims 1-16 were pending and rejected in this application.

**CLAIMS 1-2, 6-7, 10- 13 AND 16 ARE REJECTED UNDER 35 U.S.C. § 103 AS BEING
ANTICIPATED BY GAJEWSKA ET AL., U.S. PATENT PUBLICATION NO. 2002/0175951
(HEREINAFTER GAJEWSKA), IN VIEW OF FUKUDA ET AL., U.S. PATENT PUBLICATION NO.
2004/0107449**

On pages 3-12 of the Office Action, the Examiner asserted that Gajewska discloses the invention corresponding to that claimed. This rejection is respectfully traversed.

Claim 1

Independent claim 1, in part, recites the following limitation:

responsive to a new portlet in said portal acquiring said input focus from said focused portlet, re-assigning said focused style to said new portlet while re-assigning said unfocused style to said focused portlet which no longer has input focus, and re-rendering said new portlet and said focused portlet which no longer has input focus in said portal according to said styles.

On page 3 of the Office Action, the Examiner cited paragraph [0021] of Gajewska to teach this limitation and asserted:

0021; Gajewska discloses a component become the focus owner when it receives a FocusGained (*input focus*) event and ceases being the focus owner when it receives a FocusLost (*unfocused*) event. Gajewska further discloses in a FocusGain event, the opposite field specifies the component that is losing focus and specified the component that is gaining focus in conjunction with the FocusLost event. (emphasis in original)

This analysis, however, completely ignores the claimed re-assigning and assigning of the "focus style" and the "unfocused style." Applicant noted this same deficiency in the Amendment filed March 8, 2006, in which Applicant argued:

Independent claim 1 recites "assigning an unfocused style" and "assigning a focused style" to certain portlets. The Examiner, however, has failed to indicate where these features are identically disclosed by Gajewska. A textual search of Gajewska fails to yield any mention of the term "style." Moreover, an search of Gajewska fails to yield any mention of assigning a style to a portlet.

On page 20 of the Office Action, the Examiner asserted that "Applicant's arguments with respect to independent claims 1, 6, and 12 ... are moot in view of the new ground(s) of rejections," and as a result the Examiner did not feel the need to address these arguments. In this regard, the Examiner is referred to M.P.E.P. § 707.07(f), which states that even if the arguments are moot in view of the new ground(s) of rejection, the "examiner must, however, address any arguments presented by the applicant which are still relevant to any references being applied" (emphasis added). Applicant's arguments that Gajewska fails to teach assigning a style to a portlet is still relevant. Therefore, the Examiner has improperly failed to address these arguments.

Referring back to Gajewska, paragraph [0021] discusses a class of Java events, named "focus events," and an edition of Java "defines a new field in its focus events: the 'opposite' field" and this opposite field specifies "the component that is gaining focus" and also specifies "where the focus is coming from." These teachings, however, are not directed to assigning particular styles to portals either having focus or losing focus (i.e., a portal which no longer has input focus). Therefore, the Examiner's citation of Gajewska to teach or suggest the above-identified claim language is improper.

The Examiner implicitly confirms this failure of Gajewska to teach the above-identified claim language when the Examiner admitted that Gajewska does not expressly disclose the following claimed limitations:

- assigning an unfocused style to all unfocused portlets in a portal except for a focused portlet having input focus;
- further assigning a focused style to said focused portlet having input focus;
- rendering said focused and unfocused portlets in said portal.

Applicant questions how the Examiner can assert that Gajewska teaches the claimed "responsive to a new portlet ..." limitations while admitting that the limitations reproduced immediately above are not disclosed by Gajewska. Many of the limitations found in the claimed "responsive to a new portlet ..." passage refers back to these limitations that the Examiner admits is not disclosed by Gajewska. Thus, on one hand, the Examiner is arguing that Gajewska discloses certain features, but on the other hand, the Examiner is arguing that Gajewska does not disclose these same features without any explanation.

Notwithstanding Gajewska not teaching those limitations for which Gajewska is being relied upon in the statement of the rejection to teach, Applicant notes that the Examiner cited paragraph [0064] of Fukuda to teach the limitations reproduced above. Paragraph [0064] refers to Fig. 7, which does not illustrate portlets in a portal environment, given the ordinary and customary meanings of those terms by one having ordinary skill in the art. Instead, Fig. 7 and paragraph [0064] of Fukuda teach the display of "streaming programs 702," which have not been established by the Examiner to be comparable to the claimed portlets.

Moreover, the claimed invention recites that the focused/unfocused style is assigned to the portlets (either the focused portlet or the unfocused portlet). Fukuda, however, does not teach or suggest these limitations. Instead, Fukuda teaches that a focus 704 is "shifted by using the cursor keys 202 of the remote control unit 116." Although Fukuda teaches that "a style sheet is used to specify the style of the focus," Fukuda is silent as to the style being applied to one of the streaming programs 702 (i.e., the Examiner's alleged portlets). Instead the style found in the style sheet is applied to the focus 704. Still further, although Fukuda teaches a style sheet used with a focus 704 (i.e., the Examiner's alleged "focused style"), the Examiner has failed to establish that Fukuda teaches the claimed "unfocused style."

As to the requisite motivation to combine, Applicant notes that the Examiner has failed to establish any motivation to combine Gajewska and Fukuda. In the paragraph spanning pages 4 and 5 of the Office Action, the Examiner asserted it would have been obvious to make the combination, but the Examiner failed to establish a reason why. Thus, the Examiner has failed to set forth a proper prima facie case of obviousness.

Claim 6

Independent claim 6 is substantially similar to independent claim 1, and Applicant incorporates herein the arguments presented above with regard to claim 1 as also applying to claim 6. For example, the Examiner relied upon Fukuda to teach both a focused style sheet and an unfocused style sheet. However, as previously noted, Fukuda only discloses "a style sheet [that] is used to specify the style of the focus" (last line in paragraph [0064]). Thus, Fukuda is

silent with regard to both a focused style sheet and an unfocused style sheet. Therefore, even if Gajewska were modified in view of Fukuda, the claimed invention would not result. Moreover, as noted above, the Examiner has failed to set forth a prima facie case of obviousness for failure to establish a reason why one having ordinary skill in the art would modify Gajewska in view of Fukuda to arrive at the claimed invention.

Claim 12

Independent claim 12 is substantially similar to independent claim 1 with a difference being that claim 1 recites unfocused style and focused style whereas claim 12 recites unfocused style sheet and focused style sheet. Applicant, therefore, incorporates herein the arguments previously presented with regard to claim 1. Furthermore, Applicant incorporates herein the arguments previously presented with regard to claim 6 and how the Examiner has (i) failed to factually establish that Fukuda teaches the claimed unfocused style sheet and focused style sheet and (ii) establish a proper motivation to modify Gajewska in view of Fukuda.

Applicant, therefore, respectfully submits that the imposed rejection of claims 1-2, 6-7, 10-13, and 16 under 35 U.S.C. § 103 for obviousness based upon Gajewska in view Fukuda is not factually or legally viable and, hence, solicits withdrawal thereof.

CLAIMS 3, 5, 9, AND 14 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON GAJEWSKA IN VIEW OF FUKUDA AND ITO ET AL., U.S. PATENT PUBLICATION NO. 2003/0084405

On pages 13-15 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Gajewska in view of Fukuda and Ito to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 3, 5, 9, and 14 depend from independent claims 1, 6, and 12, and Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1, 6, and 12 under 35 U.S.C. § 103 for obviousness based upon Gajewska in view of Fukuda. The tertiary reference to Ito does not cure the argued deficiencies of the prior rejection. Applicant, therefore, respectfully submit that the imposed rejection of claims 3, 5, 9, and 14 under 35 U.S.C. § 103 for obviousness based upon Gajewska in view of Fukuda and Ito is not viable and, hence, solicit withdrawal thereof.

CLAIMS 4, 8, AND 15 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON GAJEWSKA IN VIEW OF FUKUDA, ITO, AND GRIFFIN, U.S. PATENT PUBLICATION NO. 2003/0126558

On pages 16-19 of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Gajewska in view of Fukuda, Ito and Griffin to arrive at the claimed invention. This rejection is respectfully traversed.

Claims 4, 8, and 15 respectively depend from independent claims 1, 6, and 12, and Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claims 1, 6, and 12 under 35 U.S.C. § 103 for obviousness based upon Gajewska in view of Fukuda. The additional references to Ito and Griffin do not cure the argued deficiencies of the prior rejection. Applicant, therefore, respectfully submit that the imposed rejection of claims 4, 8, and 15 under 35 U.S.C. § 103 for obviousness based upon Gajewska in view of Fukuda, Ito and Griffin is not viable and, hence, solicit withdrawal thereof.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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